REMARKS

Consideration of this application is respectfully requested.

Claims 1-7, 9-13 and 15-22 are pending.

Claims 1 and 15 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 15, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,449,601 of Friedland ("Friedland").

Claim 22

Applicants respectfully submit that Friedland does not predate the effective filing date of the above-referenced application for independent claim 22. The present application claims priority to application serial number 09/131,048, now issued patent number 6,285,989 ("the '989 patent"), filed August 7, 1998, which pre-dates the December 30, 1998 filing of Friedland. A review of the '989 patent discloses "a market specification console" and "a programmable auction server" (e.g., column 5 lines 20-35), as recited in claim 22. Accordingly, Applicants respectfully submit the rejection to claim 22 is improper under MPEP §706.02 and respectfully request the rejection be withdrawn. Claim 9 is dependent on claim 22. Therefore, Applicants respectfully request the rejection to claim 9 be withdrawn at least based on the reasons above for claim 22.

Claims 1 and 15

Applicants respectfully submit that Friedland does not disclose each and every element as recited in Claim 1. Specifically, Applicants submit that Friedland does not disclose the limitation of "a bid transformer to transform a submitted bid of one of the plurality of traders." The four primary modules of Friedland are not configurable to include the bid transformer as claimed, but are implemented modules of a real-time, live auction system, conducted by a live auctioneer in the presence of an audience of bidders (see column 2, line 66 – column 3, line 8; column 8, line 51 – column 9, line 63). This is not the same as the programmable auction server of claim 1 having at least the bid transformer module. The programmable auction server of claim 1 allows a user to configure a universal auction system to perform a specific auction function including a bid transformer to transform a submitted bid of one of the plurality of traders. Friedland does not disclose nor suggest that a bid may be transformed as claimed. Accordingly, Applicants respectfully submit that Friedland does not disclose each and every element as recited in claim 1 and traverse any assertion that this is well known in the art and request a reference in support of such an assertion per MPEP §2144.03.

In addition, Applicants respectfully submit that Friedland does not disclose each and every element as recited in Claim 15. Specifically, Applicants submit that Friedland does not disclose the limitation of the "bid transformation is based upon one of a predetermined set of discriminating allocation market protocols." Friedland does not disclose nor suggest that a bid may be transformed based on a predetermined set of discriminating allocation market protocols, as claimed. Accordingly, Applicants respectfully submit that Friedland does not disclose each and every element as recited in claim 15 and respectfully traverse any assertion that this is well known in the art and request a reference in support of such an assertion per MPEP §2144.03.

Claims 2-7, 9-13 and 16-21 are dependent directly or indirectly on one of the independent claims 1, 15 and 22. Therefore, at least for the reasons stated above, Applicants respectfully request the rejections to claims 1-7, 9-13, and 15-22 be withdrawn.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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